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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Allan McCarty
Application No.: 10/616,820
Filed: July 10, 2003
Confirmation No.: 2690
For: Billiard Cue



Group: 3711

Examiner: Graham, Mark S.

CERTIFICATE OF MAILING OR TRANSMISSION

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6/19/07

Date

Signature

Samantha J. Helman
Typed or printed name of person signing certificate

REMARKS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Clawson Custom Cue, Inc. filed a complaint in the United States District Court for the Eastern District of Wisconsin against McDermott Cue Manufacturing, Inc., Civil Action No. 06-C-1326, for infringement of U.S. Patent No. 6,162,128, which issued from U.S. Application Serial No. 08/825,249, filed on March 27, 1997. Applicant is submitting a Supplemental Information Disclosure Statement, which contains references disclosed by McDermott. The present application claims priority to U.S. Application No. 08/825,249 and other applications.

A copy of the opposing party's initial disclosures and a subsequent letter, in which the references were disclosed to the Applicant, are attached to these remarks.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By
Kevin T. Shaughnessy
Registration No. 51,014
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 6/19/07



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CLAWSON CUSTOM CUES, INC. d/b/a
PREDATOR PRODUCTS,

Plaintiff,

v.
Case No. 06-C-1326

McDERMOTT CUE MANUFACTURING,
INC..

Defendant.

DEFENDANT'S INITIAL DISCLOSURES

Defendant McDermott Cue Manufacturing, Inc. ("McDermott Cue"), by its undersigned counsel, provides the following initial disclosures:

A. The following people are likely to have discoverable information that McDermott Cue may use to support its defenses:

Claude Napier, President & CEO, McDermott Cue Mfg., W146 N9560 Held Drive, Menomonee Falls, Wisconsin 53051. Mr. Napier has general knowledge about the design of the accused pool cue.

Larry Liebl, Vice President of Manufacturing, McDermott Cue. Mfg., W146 N9560 Held Drive. Menomonee Falls, Wisconsin 53051. Mr. Liebl has generally knowledge about the design of the accused pool cue.

B. The following documents may be used by McDermott Cue to support its defenses:

File histories for the following: Patent No. 5,725,437, Patent No. 6,162,128, Patent Application No. 09/649,473 and Patent Application No. 10/616,820.

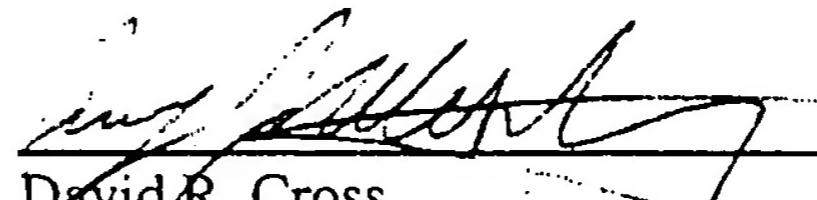
Patents: Patent No. 132,054, Patent No. 364,680, Patent No. 608,457, Patent No. 659,524, Patent No. 723,285, Patent No. 861,158, Patent No. 951,453, Patent No. 1,007,668, Patent No. 1,505,609, Patent No. 1,512,554, Patent No. 1,560,456, Patent No. 1,604,023, Patent No. 1,609,026, Patent No. 1,705,353, Patent No. 3,103,359, Patent No. 3,334,901, Patent No. 3,476,388, Patent No. 3,695,611, Patent No. 4,816,203, Patent No. 5,112,046, Patent No. 5,267,730, Patent No. 5,290,030, and UK Patent Application No. GB2199505.

C. Not applicable.

D. McDermott Cue is not aware at this time of any insurance agreement that may be implicated by the plaintiff's claims of patent infringement.

The foregoing disclosures are made based on information reasonably available to McDermott Cue at this time.

Dated this 11th day of April, 2007.



David R. Cross
Jeremy Westlake
Attorneys for Defendant
Quarles & Brady LLP
411 East Wisconsin Avenue
Suite 2040
Milwaukee WI 53202
Telephone: 414-277-5000
Fax: 414-978-8669
E-Mail: drc@quarles.com
E-Mail: jwestlak@quarles.com



Quarles & Brady LLP

411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4497
Tel 414.277.5000
Fax 414.271.3552
www.quarles.com

Attorneys at Law in:
Phoenix and Tucson, Arizona
Naples, Florida
Chicago, Illinois
Milwaukee and Madison, Wisconsin



Writer's Direct Dial: 414.277.5669
E-Mail: drc@quarles.com

May 31, 2007

VIA E-MAIL/U.S. MAIL

Susan G. L. Glovsky, Esq.
Hamilton Brook Smith & Reynolds PC
P.O. Box 9133
Concord MA 01742

RE: Clawson Custom Cues, Inc. v. McDermott Cue Manufacturing, Inc.
Case No. 06-C-1326

Dear Susan:

Please consider the references in the following list, which were located during a further search for patents that pertain to whether U.S. Patent No. 6,162,128 is valid. The '128 patent is anticipated if not at least obvious in light of several of the references included here individually or in combination. None of these patents were cited during prosecution of the '128 patent.

	1,609,026
1,007,668	1,688,911
1,210,076	1,702,292
1,252,632	3,342,489
1,280,876	5,462,490
1,560,456	3,598,409

As U.S. Patent No. 1,280,876 to Seenan is of particular interest, please find it enclosed. Even if the '128 patent is miraculously found to be valid, a simple comparison of the accused McDermott cues with the cues shown in Figs. 1 and 2 of the '876 patent clearly establishes that McDermott has been practicing the prior art. Therefore, McDermott does not infringe any claims of the '128 patent.

Based on these references, we demand that Clawson immediately dismiss this action with prejudice. If Clawson does not voluntarily dismiss this case, we will seek appropriate sanctions for the failure to do so as it is crystal clear that McDermott has been practicing and is practicing the prior art as taught by at least the '876 patent.

Susan G. L. Glovsky, Esq.
May 31, 2007
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Clawson must, of course, disclose these references under the duty of disclosure that it owes to the USPTO. We will monitor the pending applications related to the '128 patent to make sure it does so.

Very truly yours,

QUARLES & BRADY LLP



David R. Cross

DRC:js2
cc: John Frederickson, Esq. (w/enc.)